

July 25, 2005

Bradley J. Schlozman
Acting Assistant Attorney General
U.S Department of Justice
Civil Rights Division
Special Litigation Division –PHB
950 Pennsylvania Avenue, N.W.
Washington, D.C. _____

Re: CRIPA Investigation of the Vermont
State Hospital, Waterbury, Vermont

Dear Mr. Schlozman:

I am writing on behalf of Governor Douglas in response to your letter detailing the findings of your September, 2004 investigation at the Vermont State Hospital (“VSH”). We were pleased to learn that you want to resolve the problems identified in the report on a cooperative basis. The State of Vermont (“State”) remains committed to maintaining the spirit of cooperation that has characterized our interactions to date.

Although the State does not concede that it has violated the federal statutory or constitutional rights of persons receiving treatment at VSH, we are dedicated to continually improving the quality of care at the hospital. You will recall that, at the time of your visit in 2004, the Division of Mental Health had just reorganized the VSH management structure and had begun work to improve conditions at the hospital. The feedback that you gave to VSH and Department leadership during your investigation has been a helpful resource in our work.

Since that time, VSH has taken numerous steps to improve the quality of care afforded to patients at VSH. The following are some of the initiatives that are underway:

- Quality and Risk Management Systems: VSH has continued to improve its risk management and quality assurance systems. For example, VSH now organizes and tracks data relating to incidents of patient harm, adverse drug reactions, and discovered contraband.
- Seclusion and Restraint: VSH significantly modified the Certificate of Need documentation, modified its policies, and trained all staff on the required elements.
- Treatment Planning: VSH has made considerable strides towards improvement in this area. For example, discipline-specific assessments are completed prior to the initial treatment team meeting, and the treatment plan form has been modified to document the input from all members of the team and synthesis of this input into actionable items.

- Safety Concerns: VSH strives to eliminate any physical hazards on the patient units. Since your visit, VSH retained consultants who identified potential hazards. VSH has corrected many of the problems those consultants identified, and is continually working on any remaining areas.

The most significant change relates to the quality of psychiatric care. On June 30, 2005, the Vermont Department of Health entered into a five-year contract with Fletcher Allen Health Care, the major teaching hospital in our region. Under the contract, Fletcher Allen has assumed responsibility for oversight and improvement of clinical services at VSH. In addition, the number of full-time psychiatrists employed at VSH will be increased to provide a ratio of one psychiatrist for every eight acute patients and one psychiatrist for every ten sub-acute patients. Efforts are now underway to recruit these additional doctors.

As you know, the State has adopted a plan to close VSH within the next three to five years. Under the "VSH Futures Plan," the State will reduce the census at VSH this winter to 32 beds, by creating a 16 bed sub-acute capacity and a six bed secure residential capacity in the community. The second phase of the Futures Plan will be to identify the location(s), providers, and other resources necessary to develop a new, fully modernized, 32 bed inpatient psychiatric intensive care facility(s).

You have indicated that you can provide us with your experts' reports. These reports would provide details that would be helpful to us in addressing the specific root causes of the problems we are facing. Please consider this a formal request for them.

In short, we appreciate the resources that your staff and experts have expended assisting the State to improve the quality of services provided at VSH. Your suggestions will help propel us toward this goal. We are looking to you to provide whatever assistance you can make available.

To that end, we anticipate meeting with you in early fall. If there is any specific information you want to receive at the meeting, please let us know and we will make arrangements to provide it. We look forward to working with you in a collaborative, efficient and constructive manner to improve the quality of inpatient mental health services provided to the citizens of Vermont.

Yours truly,

Paul Jarris, M.D.
Commissioner